

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lily Carayannis	Team: Squad #12	CCRB Case #: 201411485	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/11/2014 10:15 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 75	18 Mo. SOL 5/11/2016	EO SOL 5/11/2016	
Date/Time CV Reported Wed, 11/12/2014 1:55 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 11/12/2014 1:55 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
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§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			075 PCT
2. POF Krystal Murray	15129	950928	075 PCT
3. LT Kevin Cain	00000	936275	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Robert Agate	03869	941317	075 PCT
2. POM Nicholas Martucci	01626	950838	075 PCT
3. POM David Quattrocchi	15010	952133	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b)	§ 87(2)(b)
B. POF Krystal Murray	Discourtesy: PO Krystal Murray spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C. LT Kevin Cain	Abuse: Lieutenant Kevin Cain threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
D. LT Kevin Cain	Discourtesy: Lieutenant Kevin Cain spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E. LT Kevin Cain	Abuse: Lieutenant Kevin Cain threatened to arrest § 87(2)(b)	§ 87(2)(b)

### Case Summary

On November 11, 2014, at approximately 10:15 p.m., § 87(2)(b) and § 87(2)(b) saw officers from the 75<sup>th</sup> Precinct arresting § 87(2)(b) in front of § 87(2)(b) in Brooklyn. § 87(2)(b) is § 87(2)(b) son and § 87(2)(b) brother. Prior to his arrest, § 87(2)(b) who did not cooperate with the investigation, was allegedly involved, as a perpetrator, in a stabbing which left the victim dead. § 87(2)(b) was arrested in front of his house by Sgt. Robert Agate, PO Krystal Murray, PO Nicholas Martucci, and PO David Quattrocchi. A large group of civilians gathered from the neighborhood to watch the arrest. The witnesses all provided differing statements as to the force that was used to apprehend § 87(2)(b) which included allegations of punches, kicks, slaps, spitting, and placing a knee on § 87(2)(b) back (**Allegation A**). § 87(2)(b) approached § 87(2)(b) to determine why he was being arrested and PO Murray said, “Get the fuck back” (**Allegation B**). Additional police units were called to the location, including Lieutenant Kevin Cain. § 87(2)(b) attempted to approach § 87(2)(b) and Lieutenant Cain blocked her path. He pointed a Taser at her (**Allegation C**) and told her to “get the fuck back” (**Allegation D**). He told her that if she did not stop asking questions she would be “locked up” (**Allegation E**). § 87(2)(b) was removed from the location and § 87(2)(b) was arrested and released with a summons for disorderly conduct. § 87(2)(b) was charged with § 87(2)(b).

This case was originally assigned to Investigator Patrick Browne and it was reassigned to Investigator Tiffany Dempsey on January 9, 2015. The case was reassigned to Investigator Lily Carayannis on May 18, 2015.

### Mediation, Notice of Claim, and Criminal Histories

This case was not suitable for mediation as § 87(2)(b) was incarcerated for manslaughter. As of June 22, 2015, no Notice of Claim has been filed with the City of New York in regards to this case (encl. K10). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### Civilian and Officer CCRB Histories

- § 87(2)(b) and § 87(2)(b) were victims in § 87(2)(b) § 87(2)(b)
- PO Krystal Murray has been a Member of Service for three years and she does not have any substantiated allegations against her. She was name as a subject officer in one other allegation that involved a force allegation and was closed as complainant unavailable (encl. B1).
- Lieutenant Cain has been a Member of Service for 10 years and he does not have any substantiated CCRB allegations against him. He was named as a subject officer in four other allegations, § 87(2)(g) (encl. B2).

### Findings and Recommendations

#### Explanation of Subject Officer Identification

PO Murray (encl. F1-6), PO Quattrocchi (encl. I6-9), PO Martucci (encl. H1-6), and Sgt. Agate (encl. I1-5) all acknowledge that they physically apprehended § 87(2)(b) however they deny using any of the force alleged by the witnesses. The witnesses were not able to sufficiently

describe the officers in such way that each officer's actions could be differentiated from the others, with the exception of PO Murray, who was the only female apprehending § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) .”

§ 87(2)(b) (encl. D1-6) named PO Murray by name as the officer that spoke discourteously to her, § 87(2)(g)

§ 87(2)(b) (encl. D1-6) and § 87(2)(b) (encl. C1-9) described the officer who allegedly pointed a Taser at § 87(2)(b) as a white male dressed in a white uniform shirt. None of the officers interviewed (see encl. F-I) recalled seeing any other lieutenant or higher rank at the location than Lieutenant Cain. Lieutenant Cain acknowledged that he was at § 87(2)(b). He stood between a number of civilians and § 87(2)(b) to perform crowd control duties. § 87(2)(g)

## **Investigation Findings and Recommendations**

### **Allegations Not Pleaded**

§ 87(2)(b) stated that the officers that arrested her chased her to her door and apprehended her before she entered her house. Other witnesses stated that the officers entered § 87(2)(b)'s house to apprehend her. § 87(2)(g)

§ 87(2)(b) .

§ 87(2)(b) stated that while she was running from the officers, an officer had grabbed her shirt and part of her hair, which was called a “weave” (real or artificial hair that is woven into a person's existing hair) and pulled it partially out. § 87(2)(g)

§ 87(2)(b) .

### **Allegation A—Force: Officers used physical force against § 87(2)(b)**

§ 87(2)(b) refused to participate in the investigation. § 87(2)(b) (encl. C1-9) alleged that officer punched him multiple times. § 87(2)(b) (encl. D1-6) alleged that an officer slapped § 87(2)(b) but she did not allege that he was punched. § 87(2)(b) (encl. E1-2) alleged an officer spit in § 87(2)(b) face and elbowed him and that an officer punched him once, but she did not allege any officer slapped him or punched him more than once. § 87(2)(b) (encl. E3-4) and § 87(2)(b) (encl. E5) did not allege any force allegations.

All of the officers (encl. F-I) who acknowledged apprehending § 87(2)(b) denied all of the above mentioned allegations.

§ 87(2)(g)

§ 87(2)(b) .

### **Allegation B—Discourtesy: PO Krystal Murray spoke discourteously to § 87(2)(b)**

§ 87(2)(b)

§ 87(2)(b) (encl. D1-6) alleged that PO Murray told her to “Get the fuck back.” None of the other civilians interviewed in this case heard her say that (encl. C1-9 and E1-6).

PO Murray (encl. F1-6) denied ever saying, “Get the fuck back” and none of the other officers interviewed (encl. G-I) acknowledged hearing her say that. § 87(2)(g)

§ 87(2)(b) .

**Allegation C—Abuse of Authority: Lieutenant Kevin Cain threatened § 87(2)(b) with the use of force.**

**Allegation D— Discourtesy: Lieutenant Kevin Cain spoke discourteously to § 87(2)(b) § 87(2)(b)**

**Allegation E—Abuse of Authority: Lieutenant Kevin Cain threatened to arrest § 87(2)(b) § 87(2)(b)**

§ 87(2)(b) (encl. C1-9) alleged that Lieutenant Cain, who was described as a white male in a white shirt and short hair, approached her with a two foot long pink stick. She learned later, according to her, that it was a Taser. Lieutenant Cain told her to “get the fuck back” or he would hit her with this stick and that he would arrest her if she continued to ask why § 87(2)(b) was being arrested.

§ 87(2)(b) (encl. D1-6) stated that Lieutenant Cain, who was described as a white male in a white shirt, pointed something that she could not describe, but what she believed was a Taser at § 87(2)(b). She believed that it was a Taser as she saw a red dot on § 87(2)(b) chest and she heard electricity charging up. She did not hear Lieutenant Cain threatened to arrest § 87(2)(b) and she did not hear Lieutenant Cain say to “get the fuck back.”

§ 87(2)(b) (encl. E1-2) did not see any of the above, stating instead that an officer pushed § 87(2)(b) onto her backside.

§ 87(2)(b) (encl. E3-4) stated that Lieutenant Cain pointed a black firearm at § 87(2)(b). She did not hear Lieutenant Cain threaten to arrest § 87(2)(b) and she did not hear Lieutenant Cain say to “get the fuck back.”

Lieutenant Cain (encl. G1-4) denied the above allegations. He did not know if he had a Taser on him on the date of incident. He did not recall interacting with specific civilians in the crowd, but he did acknowledged that he was between a crowd of people and § 87(2)(b) and that he was telling the civilians to back up. He did not recall seeing any other officers of the rank of lieutenant or higher at the location. None of the other officers (encl. F-I) interviewed observed Lieutenant Cain threaten to arrest § 87(2)(b) speak discourteously to her, or point a Taser at her.

§ 87(2)(g)  
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Pod: 12

Investigator: \_\_\_\_\_ Lily Carayannis \_\_\_\_\_ June 23, 2015  
Signature Print Date

Supervisor: \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Title/Signature Print Date